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REPORT OF
THE ELECTION AND
ELECTION PRIVILEGES
COMMITTEE

TO THE

FIFTY-EIGHTH
GENERAL ASSEMBLY

CREATION AND ORGANIZATION

The Fifty-Seventh General Assembly by Joint Resolution 23 created a joint bipartisan committee to study political activity and the election laws in this state, and to make a written report and recommendations to the Fifty-Eighth General Assembly.

The Committee has been composed of three members from the House of Representatives and three members from the Senate. After the initial organizational meeting, the Committee was composed as follows:

Clark H. McNeal	Belmond	Chairman
Duane E. Dewel	Algona	Vice Chairman
Scott Swisher	Iowa City	Secretary
Thomas H. Dailey	Burlington	
J. Kendall Lynes	Plainfield	
Jack Milroy	Vinton	

The Committee adopted rules of procedure which were made available to each witness. The services of the Legislative Research Bureau, the State Bureau of Criminal Investigation, and the office of the Attorney General were used. Don C. Swanson of the Attorney General's staff was employed as committee counsel.

All hearings were reported by accredited court reporters and transcripts prepared. These are preserved and are available for further study by the members of the Fifty-Eighth General Assembly.

IS REVISION NEEDED?

The election laws of Iowa in many major respects date from the beginning of our state. Some piecemeal changes have been made from time to time, the last of major importance about 1900. Since then, however, the development and growth of our state, the changes in the activities of political parties, development of transportation and communication, and the use of radio and television have all had a tremendous effect on campaigns and elections.

The 57th General Assembly of Iowa recognized the problem and authorized the Election and Election Privileges Committee to make this inquiry. Since its organization this Committee has met on thirty-seven occasions for hearings and study of the problems. Witnesses from all phases of the election and political fields have been called. Many persons have made valuable suggestions to this Committee. Representatives of both political parties, of labor and management, of farm organizations and trade associations have contributed their thinking to the Committee for its study and report. Numerous state and county officials have been asked for their suggestions and comments on various phases of election practices.

As the result of some of the hearings held by the Committee, information has been developed indicating violation of various statutes of our state. These have been referred to the appropriate executive and law enforcement officials who are still investigating certain practices under these laws.

The balance of the information received has been carefully considered by the committee and the following summaries and recommendations made.

CAMPAIGN FINANCING

One of the chief fields of inquiry pursued by this Committee was a study of contributions and expenditures by political parties and candidates. The Committee attempted to determine whether Chapter 56 of the 1958 Code of Iowa was in any way realistic in its approach, what the problems of parties and candidates were in modern day elections, and what should be done from a legislative standpoint to permit the use of the newer, more expensive campaign techniques and yet not in any way interfere with free elections.

The Committee called before it representatives of both major political parties and persons generally familiar with the conduct of political campaigns. It was generally agreed that Chapter 56 of the 1958 Code, originally enacted in 1907 by the 32nd General Assembly, is completely unrealistic in the light of modern day costs.

In addition to the proposals received from witnesses the Iowa Legislative Research Bureau was asked for a survey of the laws from other states dealing with this general field. They made a number of comments, several of which are set out in this report.

PRESENT DAY COSTS

In 1907 when the present legislation was enacted one-half the annual salary of the office may have been a realistic cost. There were fewer voters, advertising was less expensive, and radio and T. V. publicity unheard of. Today, however, a candidate for governor must spend far more than one-half his salary either personally, through committees, or through a party organization to be even in the race.

It has been estimated by leaders of both parties that from \$50,000 to \$100,000 is expended to elect a governor in the state of Iowa. However, no one can actually furnish an exact

figure since no one person is responsible for making and reporting all expenditures.

The candidate for governor apparently has far greater expense than any other candidate, and likewise receives far more assistance from the party organization than any other candidate. The candidates for lieutenant governor and for congress in some instances have apparently exceeded the limitation of the present statute, but the other state officers, legislators, and county officers have had no problem staying within the limitation.

PRESENT IOWA LAW

The present law requires a filing by the candidate within thirty days after the holding of either a primary or a general election. This is to be a true, detailed and sworn statement. Section 56.7 of the 1958 Code of Iowa limits the candidate to 50% of his annual salary for expenses in the primary election and 50% in the general election. In other words, the candidate for governor in Iowa at the present salary level is limited to an expenditure of \$6,250 in the primary election and a like amount in the general election. Other candidates likewise are limited to a smaller expenditure based on smaller salaries.

Party chairmen of state, district and county political organizations are likewise required to file a true, detailed and sworn statement. State candidates, state and district organizations, and legislative candidates file with the Secretary of State. All others file with the County Auditor. Municipal candidates file with the County Auditor also.

PROBLEMS UNDER PRESENT LAW

Aside from the unrealistic limitations of the present statutes, several other problems have arisen in this state.

The present statute does not pinpoint the enforcement of this law. County Auditors and the Secretary of State have been told in past opinions of the Attorney General that they are merely custodians of the records, with purely ministerial duties. Some auditors mail out forms to all candidates for filing, but such a procedure is not uniform.

HISTORY OF SIMILAR LEGISLATION

Since New York first enacted legislation on campaign financing in 1883 many of the states have followed suit. Forty-three of the forty-eight states require a filing of some kind, but in a variety of forms and with many limitations.

Thirty-two states place a limit on the amount a candidate can expend, about one-half of these using a lump sum limitation. Some limit it to a specified lump sum, a few (such as Iowa) to a percentage of the total salary, some to an amount related to the total votes cast in the last election, that is, so many dollars for each one thousand votes cast, and some limit the expenditures to an amount actually collected and deposited in a central account.

Some states set up a limitation on the amount a central committee of the party may spend on behalf of a candidate for office. Iowa has no such limitation.

According to some surveys the modern trend is against limitations, particularly unrealistic limitations. Rather, the authorities who have studied the problem favor other safeguards such as full and accurate disclosures to get away from the undesirable influence of undisclosed pressure groups and organizations.

Some states also provide that contributions from certain sources should be limited or forbidden. Iowa has no limit on the amount an individual can contribute to a political campaign, but does have a provision that corporations can neither contribute nor be solicited for any money, property, labor or thing of value. There is no limitation on contributions by labor organizations as such in Iowa.

On a nationwide basis at this time thirty-two states limit political contributions by corporations while six have a limitation on contributions by labor organizations.

Iowa does have a limitation on solicitation from "any member of the board of control, or any employee of any commission, board or agency created under the statutes of Iowa." Iowa also prohibits the "use of any funds donated by a non-resident person, firm or corporation."

Iowa also has a specific limitation on members, officers and employees of the Iowa Liquor Control Commission. Such persons are not only prohibited from making contributions, but are also prohibited from serving on committees of political parties and from campaign activities. This is the broadest prohibition against the participation of government employees in campaigns which we have in our Code.

Present Practice on Filing

A survey was made of the County Auditors and the Secretary of State to determine the extent of the filing by candidates. The replies received indicated that the majority of candidates did file some sort of a statement. In practically all instances the successful candidate filed, and most of the failures to file were by the defeated candidates. At the state level only a very few failed to file. In one instance the failure was caused by the death of the candidate immediately following the election.

Both major parties filed returns at the state level. At the county level such filings were spasmodic and only a few county chairmen followed the statute. Few municipal candidates filed.

A variety of methods of reporting was also observed. Some candidates were most specific in itemizing the receipts and expenditures while others lumped many items together. Some reported all receipts as coming from "Committee for _____" or some similar entry without any breakdown.

It was interesting to note that at the state level, one major party itemized receipts in detail and lumped expenditures under a few items, while the other major party itemized its expenditures minutely, but lumped all receipts as coming from county organizations.

There was no consistency in the reporting of gifts of matches, advertising and the like to candidates. Some felt this came within the intent of the statute while others said

that since it wasn't specifically received by them it should not be reported.

In an effort to determine whether full disclosures were being made, the newspapers, radio, T. V. stations, and outdoor advertising agencies were circularized at the time of the 1958 primary elections. About one-half of these furnished information concerning the amount which was paid to them for advertising during that campaign. A few of the larger recipients, including the largest billboard company and the largest newspaper and its affiliated radio and T. V. facilities, did not see fit to report, so the committee could only project as to what the totals might be.

It was quite apparent, however, that in the primary race for governor, there was at least one instance in which far more than one-half of a year's salary was spent in that campaign. The bills were paid in various ways by "friends," by advertising agencies or by committees, but there was no reporting to the Secretary of State of the major portion of these amounts.

Some candidates apparently kept close track of their expenditures, while others did not have records of what was expended by others on their behalf. It seemed to be the practice of some to handle expenditures by check, but many saw fit to destroy the records as soon as a filing had been made.

Some candidates and incumbents were found to have maintained a continuous fund or "committee" to be used either for the next campaign or to be used as an "emergency" fund. There was little or no reporting of such funds, and apparently it was a practice which had developed over the years and been accepted by those who had knowledge of it.

Enforcement Under Present Statute

The greatest weakness of the present statute is the complete lack of enforcement. The statute does not pinpoint the responsibility for its enforcement and the opinions of the

Attorney General have indicated that the Secretary of State and the Auditors are merely custodians of the records with no duties beyond that point.

The law enforcement officials have generally closed their eyes to this statute, in some instances because of its ambiguities, but in many because of public apathy. By thirty days after a campaign such matters are usually forgotten, the candidates have shaken hands and publicly extended congratulations, and in general such matters are regarded as "water over the dam."

Your committee has not found any instance in which there has been rigid enforcement or prosecution of Chapter 56 of the Code.

Recommendations

In drafting the legislation set out in Bill A attached to this report, your committee first tried to arrive at realistic standards. It was agreed by everyone that the present statute was absurd for some offices in the light of present-day costs. A review of the legislation from other states, their experiences and comments, and the suggestions of both state officials and political party leaders indicated that the limits must be raised. Your committee believes the proposed legislation is realistic in the light of modern costs and yet restrictive enough to prevent exorbitant expenditures.

The committee believes the paramount purpose of such legislation should be to fully and accurately inform the voter of the sources of funds and the purpose for which they are being used. Such full disclosure also appears to be of much greater interest during a campaign and before an election than it is thirty days thereafter. Therefore, this proposal attempts to provide for public disclosure well in advance of election day so the voter through press, radio, and T. V. will know the sources of funds and obligations of the candidate.

The use of a campaign treasurer appeared to be essential to the proper functioning of this legislation. From all information developed it appears that the candidate is much too busy during the campaign to keep a proper record and adequately report such matters. By the designation of a campaign treasurer the responsibility is fixed so that these provisions can be enforced without any undue burden being placed on the candidate himself.

Under the present statute the use of the "committee system" has become a recognized means of evading the reporting requirements. Under this proposal all funds, material, supplies, or anything of value must be cleared through the campaign treasurer and properly reported. It is the purpose of this proposed legislation to secure accurate and complete reporting of everything going into a campaign.

The committee also believes that penalties for the violation of these provisions should be on the contributor and campaign personnel as well as the candidate. Section 15 of the proposal is believed to cover any "willful violation by any person."

A campaign depository is compulsory under this proposed legislation. As has been said, a great many candidates have handled such matters on a strictly cash basis so that cross checking of receipts and expenditures was impossible. If fair, honest, and accurate reporting is to be had, there must be depository records available for examination.

The committee believes that the practice of lumping either expenditures or receipts is bad. It leads to inaccurate reporting, often results in supposition and conjecture which may be completely unfounded. Full itemization of all things received and disbursed should be required.

The present statute has no requirement for reporting in advance of election day. A survey of other states indicates that a more modern approach is to require advance reporting so

that the public will know before election day the sources of the receipts and the recipients of the disbursements. Five reports will be required in advance and one final and complete report within thirty days after the election day.

For the candidates who spend only a small sum, the requirement for a campaign treasurer has been modified. If the sum is less than two-hundred-fifty dollars the candidate can either appoint a person or may serve as his own campaign treasurer.

The requirements for reporting by state and county political organizations have been modified to require a report after each campaign. This should lead to more accurate filing and a better informed public.

The committee believes that to make this act meaningful there must be definite responsibilities on candidates and public officials. Penalties will apply to contributors, candidates, public officials and any person who willfully tries to circumvent full disclosure. A candidate guilty of willful violation and so convicted will be ineligible to assume the office sought. The officials who receive the reports and filings will have a mandatory duty to examine such statements and report possible violations to their respective county attorneys.

Your committee believes this proposal, if enacted, will go far to properly inform the public of what is being done in campaigns without impeding the conduct of campaigns, candidates, or political parties.

VOTING MACHINES

The Committee has conducted hearings and personally examined voting machines to develop information concerning this method of voting. Chapter 52 of the 1958 Code of Iowa was originally enacted in 1900 and with several minor changes (see Sections 52.11 and 52.12) remains in its original form today. Information has also been received from other states as to their use and experience with this method of voting.

The Iowa County Auditors' Association created a special committee called the "Voting Machine Legislative Committee" from representatives of thirty-three Iowa counties using voting machines. These thirty-three counties, however, contain 57% of the population. Their experience covers a good many years, Franklin County having first used voting machines in 1908. This committee of auditors has furnished all of the information it has developed in connection with this problem.

The following items are believed to be of major importance in connection with the administration of this Chapter and are being included in a proposed amendment attached to this report.

1. SPECIAL MEASURES

One of the several problems confronting County Auditors is that of including special measures on voting machines. Certain sections of Chapter 49 are construed by some bond attorneys as requiring all special measures to be on printed ballots and to prohibit the use of voting machines for special measures.

Also the problem arises as to the printing of the entire special measure in the space provided on the voting machine. The Iowa road bond bill as enacted by the extra session of the 42nd General Assembly and the 1956 Korean bonus act are typical examples of the lengthy printing required to place such measures before the voter.

In connection with the use of printed ballots at elections in which voting machines are also used, one County Auditor has reported that quite a number of voters deposited their paper ballots behind the operating lever in the front of the voting machine thinking it was a ballot box. This caused considerable difficulty for the election officials.

This Committee is therefore recommending legislation to clarify Sections 49.43 through 49.48 of the 1958 Code of Iowa to permit the use of voting machines for all special measures and also to permit such special measures to be summarized on the voting machine proper with the full published measure to be displayed within the voting place.

2. PREPARATION OF THE MACHINES FOR VOTING.

Under the present law the duty is placed upon the County Auditor or his duly designated deputy to prepare each of the voting machines for use at the polls. This duty and responsibility is thus placed entirely upon one man.

In some counties it has been the practice for representatives of both political parties to designate one of its representatives to witness the testing and preparation of the voting machines. In some states such a requirement is mandatory.

Quite often following elections there are rumors concerning the preparation of voting machines and of a failure to clear all of the counters on such machines. The Committee has not received any evidence of such a practice, however.

It is believed, however, that to avoid any possibility of such a situation developing that representatives of both political parties together with the voting machine custodian be required to be present and witness the testing and preparation of voting machines, to determine that they are in proper condition for use in the election, that all of the counters are set at zero and that the seals are properly in place.

3. ADDITIONAL ELECTION OFFICIALS.

Under Chapter 49 of the 1958 Code of Iowa an election board consists of three judges and two clerks except where only one voting machine is used in which the election board may consist of three judges only. Provision is made in Chapter 51 for double election boards and under Section 49.12 provision is also made for an optional procedure in those precincts with over 1,000 voters. This has the effect of requiring either three, five or ten election officials depending upon the size of the precinct.

The County Auditors have advised that it would be advantageous to most of the counties using voting machines that in any precinct where more than three machines are used the appointment of an additional clerk and/or judge or two of either be permitted to help with the additional machines. Ten members are not necessary in a great many cases and it is definitely their feeling that a more flexible procedure should be permitted so that only the proper number of election officials would be hired.

4. THE TIME ALLOWED FOR VOTING.

Section 52.18 of the 1958 Code of Iowa provides that "No voter shall remain within the voting machine booth longer than one minute, and if he shall refuse to leave it after the lapse of one minute, he shall be removed by the judges."

From observation by members of your Committee and consultation with election officials in Polk County one minute appears to be inadequate to examine both special measures and the names of candidates as they appear on the machine. Most people, particularly the older voter, take some time to orient themselves to the voting machine.

In the opinion of your Committee five minutes would appear to be much more realistic and an amendment is being proposed to change the provisions of Section 52.18 from one minute

to five minutes.

5. AFTER ELECTION LATCH.

Many features have been added to voting machines over the years. Each new model has certain modifications which the manufacturer makes to insure accuracy and secrecy in voting.

The newer machines contain a feature known as the "after election latch." This is designed to detect any opening of the counter compartment doors during election. The latch is set at the polling place before voting begins and if anyone should attempt to open the counter compartment door during an election the latch will automatically prevent further voting on that machine.

The Committee feels that these modern features should be used and that when such equipment is on a machine its use should be mandatory.

6. A SIMPLIFIED ELECTION RETURN.

One of the greatest difficulties for the lay election officials is the problem of filling out the many certificates, oaths, etc. in connection with the voting machines. The ordinary election official has had no experience in such book-keeping, may see these certificates only once every two years, and it becomes very difficult for him to fully certify in the many places required.

Some County Auditors have reported that for weeks after each election they are calling election officials into their offices to sign in many places that have been missed or overlooked.

Simplified voting machine returns have been adopted in many states for use by these lay officials. Thus, in addition to the poll books, only one return is made by the election officials which requires only one signature by each official. Such a return carries with it all of the information necessary for the canvass and requires a full certification by each official

The Committee feels that Chapter 52 can be modernized to permit the use of such a simplified voting machine return in the interest of efficiency and economy in the conduct of elections.

7. ELECTION CONTESTS.

Section 52.22 of the 1958 Code of Iowa requires the County Auditor to keep the voting machines intact for thirty days after the count is completed. Election contests, however, may be brought any time within thirty days after the proclamation of the results of the election which is always twenty days or more after the election is held. Thus voting machines can be cleared under the present law even before the completion of the official canvass.

This Committee believes that the voting machine statutes should be coordinated with the election contest statutes so that voting machines would remain intact until thirty days after the proclamation of the results of such election. This recommendation is contained in proposed legislation attached hereto.

ABSENTEE VOTING

Absentee voting has been recognized in Iowa for many years, the present act having been passed by the 36th General Assembly in 1915. It has remained in substantially the same form since that date although separate provisions for absent voting by the armed forces were adopted by the 56th General Assembly in 1955.

These sections have been studied at great length by your committee because of the many complaints received from both public officials and voters. Their criticism was amplified by ^{an} election contest case. [REDACTED]

[REDACTED] Although the election [REDACTED] was confirmed, the Congressional Contest Committee found there were many "apparent violations of the duties imposed by law upon the election officials."

Judge Coleman Wright of Kentucky in an election contest in that state recently stated:

"As is true of many good laws, the absentee voting law has been and is being used in a manner and as a means to ends that were never dreamed of by the strongest supporters thereof. This law is abundant with opportunities for misuse. Loosely interpreted and loosely applied, the legislation provides a means by which county court clerks can become political dictators. It is a method by which the votes of unqualified persons may be coerced, by which 'floaters' may be voted 'on the table,' by which secrecy of the ballot may be invaded, and by which alteration, forgery and false swearing may be accomplished in obscurity, all tending to destroy the freedom and equality of election."

The criticism of our present law appears to center on three separate phases of this voting process. The first is the great possibility of insane and mentally incompetents being permitted or forced to vote, the second is the use of influence or duress on the aged and infirm to secure their vote, and third is the misinterpretation and lack of enforcement by our election officials.

The Insane and Mentally Incompetent

Article II, Section 5 of the Constitution of this state provides "No idiot, or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an election." At no point, however, is there any burden or any responsibility placed on any official to determine the qualifications of the proposed voter and eliminate the unqualified.

The investigation as conducted by the committee revealed that there were numerous violations of this statute. In ~~one~~^{one} County it was determined that of 85 absentee ballots obtained from the ~~County~~ County Home, 36 were from persons who had been committed to state institutions on being adjudged insane. This does not appear as an isolated situation and is alleged to have been a general practice over the state. Nursing homes appear to be as vulnerable as county homes, and eager party workers in many instances have exploited this class of "voter" to the fullest extent.

The members of your committee are unanimous in their feeling that this practice must stop. If the absentee voter law is to remain effective the officials who enforce it and the party workers alike must see that it is administered in a fair and honest manner. The recommendation hereinafter proposed for bipartisan supervision is believed to be a step in the proper direction and, if properly administered should eliminate this abuse.

The Aged and Infirm Voter

This problem facing the committee is nearly parallel with the mentally incompetent voter. Frequently the dividing line is so fine that the lay officials who are required to make the decision cannot honestly do so.

Likewise the county homes and nursing homes are welcome prey for the over-eager party worker. Welfare workers in some

instances are alleged to have used their influence on the recipients of old age assistance and other charities to see that absentee votes for candidates of their choice are secured. Nursing home owners and county home stewards in some instances have felt that they have captive voters under their supervision and the duty falls on them to see that these aged and infirm vote properly.

Instances have also been noted in which absentee ballot requests have been received and yet when a notary called to assist in making proper notations on the absentee ballot envelope, the proposed "voter" was not even conscious of his original request.

Your committee does not wish to see any competent voter deprived of the right to vote for the candidate of his choice. The committee, however, is firm in its belief that the choice must be that of the voter and not that of someone else. The proposal calling for bipartisan supervision of this election process should help materially to eliminate this weakness in the present system.

Supervision and Enforcement of the Absentee Ballot System

The greatest weakness in the present system of absentee voting appears to be in the administration by the election officials, the notaries public, and the county auditors. The committee is very conscious of many such officers who have diligently and conscientiously administered this law in the manner in which it was just contemplated, but in far too many instances such is not the case.

In order to properly analyze this problem, a brief statement of the present procedure is necessary. Two types of voters are permitted to cast absentee ballots, those who intend to be absent because of business or necessary travel on election day, and those who because of illness or physical disability cannot travel to the polls. Blank application forms are printed

and available in the County Auditor's office and may be received personally or by mail.

There does not appear to be any problem with the salesman, railroad man, or other voter who calls at the auditor's office personally. His application and ballot are received at the same appearance, and the committee did not receive any evidence to indicate that such competent persons were in any way being influenced.

In instances in which the application was mailed to residents of the county, there is strong indication of influence being used. It appears that many notaries public take applications for absentee ballots from persons of questionable competence. No burden is placed on the notary to make any such determination. Often the notary is a paid party worker and may be paid by the party on a "per head" basis.

After their application is returned to the county auditor or city clerk, it then becomes the duty of that officer to mail to the applicant the ballot forms on which he is entitled to vote. There is also provided an unsealed envelope on which is printed a voter's affidavit in substantially the same form as that on the printed application. It then becomes the duty of the voter or other competent officer to be present at the time the ballot is marked.

The Code, Section 53.15, is quite specific on this point. It provides that "The voter, on receipt of said ballot or ballots, shall, in the presence of the officer administering the oath and of no other person, mark such ballot or ballots, but in such manner that such officer will not know how such ballot is marked." The following sections then provide for the taking and subscribing of the oath to the envelope and the mailing or personally delivering of the envelope to the county auditor or clerk prior to election day.

It is at the time of marking the ballot that the greatest possibility of influencing the voter occurs. Frequently the voter is only interested in voting for a single candidate. He quite often is infirm and needs assistance in marking the ballot. On many occasions his sight has failed to the point where his hand must be guided. Quite often the application will have been sent in several days in advance and because of the age of the voter he will not even recall his request for a ballot, much less for whom he wanted to cast his ballot.

Here the possibility for influence is much too great. No one but the single officer administering the oath can be present, not even a relative or friend. From all of the information received and considered by this committee it has been determined that this weakness in the system should be immediately corrected by legislation.

The ballots are all to be returned to the county auditor by mail or by the voter. It then becomes his duty to put the ballot envelope and application together and place them unopened in a carrier envelope to be delivered to the respective precincts. A few instances were noted in which the applications were not properly sent to the polls, but there was no information received that this was more than an oversight by the administrative official.

The present statute requires the ballot to be returned to the auditor or clerk "prior to election day." It has been the practice in some counties for the auditor to call at the post office at midnight before election day and pick up his mail. Any absentee ballots not received by him by that time need not be delivered. However, another section of the Code provides that any ballots received later may be delivered by the officer or a deputized agent if delivery can be made without expense to the county, city or town. The committee did not receive any complaints on this delivery practice and it

would appear that all auditors and clerks have done their best to see that every absentee ballot got to the polls.

The ballots at the polls are either mingled with the other ballots, or in voting machine precincts, mingled with all other absentee ballots and recorded on the voting machines. No complaints of this procedure were received, except for the instance noted in which the applications were not with the ballots.

The committee received no complaints of absentee voting by the Armed Forces and this legislation by the 56th General Assembly appeared to be satisfactory.

Recommendations

The proposal of this committee is incorporated in Bill D attached to this report. This will serve to correct many of the weaknesses mentioned before.

Several suggestions were made by some officials calling for a sweeping change to provide for a nonpartisan or bipartisan election board to handle the entire election procedure and take the duties away from county auditors and city clerks. The majority of persons, however, did not feel that such a broad change was necessary. The majority of Iowa counties are relatively small and the duties and problems of the county auditor cover a relatively short period of time. In the larger counties where permanent registration is in operation, a larger portion of the work is carried on by the city clerk, thus dividing the burden between the two offices. Your committee does not believe that this problem justifies the creation of an entirely new set of election officials or the expense which would go therewith.

Your committee does recommend the creation of a bipartisan group to supervise the actual voting of the absentee ballots. Without exception the various officials interviewed by the committee believed this to be the weakest point in the absentee

ballot system. Various methods of correction were discussed, and the method which the committee has proposed is believed to best correct the situation with the least expense to the counties.

The political parties have taken a greater interest each election in the absentee vote. The precinct and block workers have apparently made repeated contacts with this class of voter. They are the ones primarily responsible for the applications received by the county auditors from those who are unable to come to the courthouse, the city hall, or the polls. Since they have this interest, it appeared to your committee that they might best set up their bipartisan machinery.

Each party will furnish the auditor or clerk with a list of names of party workers, one-half of whom shall be notaries public. One from each list will be designated a commissioner. The two commissioners in turn will proceed to supervise the delivery and taking of the ballots.

The problems of those absent from the county will be handled in the same manner as in the past. This is such a very small percentage that it is negligible in the over-all total vote. Those who are not ill, physically disabled, or out of the county, will be required to apply personally and vote their ballot at the city hall or county courthouse as the case may be.

In case there is a question as to the competency of the "voter," one or both of the absentee ballot witnesses shall note their findings and the reasons therefore and this shall remain as a permanent part of the absentee ballot envelope. The person may still be permitted to fill in the ballot, and the final determination will be made by the election judges at the polls.

The absentee ballot witnesses will be designated as election officers so that the criminal provisions of this

statute will apply to them. These appear to be severe enough so that with bipartisan supervisors and proper enforcement, the absentee ballot law will not only permit all competent persons to vote, but will do away with those elements which have cast so much doubt on this type of voting.

DATE OF PRIMARY ELECTION

Early in the conduct of the hearings by this committee, complaints were received from some of the county auditors concerning the present primary election date, being the first Monday of the month of June. There were objections to holding any election on the first day of the month, but the prime complaint was with the first day of the week.

It was pointed out that most of the polling places are buildings which are in use over the weekend, such as churches, schools, and public buildings. If any of the usual supplies are delivered on Friday before there is an inconvenience to the normal users of the buildings. In the voting machine areas, such machines either cannot be delivered until late Sunday, or have to be placed in some out of the way area over the week end. For those polling places where the machines cannot be delivered until just the day before, this means Sunday afternoon and evening work at added expense. These could all be avoided with a Tuesday primary date since deliveries of supplies and machines could be made on Monday, a normal working day, and in many instances the booths and machines actually set in place.

The only objection to Tuesday came from the permanent registration cities. One city clerk felt that since registration must be permitted until the tenth day preceding the election this might require Saturday work. However, the heaviest registration is usually before the general election, and the committee did not feel this would place any great additional burden on these officers.

The Legislative Research Bureau was asked to check the primary dates from other states, and they advised that three-fourths of the states hold their primary elections on Tuesday, while Iowa is one of only four that have primary elections on Monday.

Some objections were also raised to holding the primary election in June, five months before the general election. Some persons felt the long lapse of time led to needless expense and waste of time by parties. Others felt that by the time of the general election most voters had forgotten the candidates and the issues under discussion in the spring primaries.

There was also an expression that June was the beginning of the vacation period and many people were not available to vote. Also this was said to be a busy time of year in the farming areas which would keep some persons from the polls.

A survey of the other states revealed a great spread in primary dates. The following are the months in which the states hold their primaries:

April	three states
May	nine states
June	eight states
July	three states
August	ten states
September	fifteen states

The committee felt that the first week in June would still permit the greatest number of persons to vote intelligently in a primary. The first week in June is about the close of school in most areas, so not too many have left on vacation. An intelligent primary campaign can be conducted in April and May before the hot summer months begin. A September primary would require the candidate to conduct his campaign during July and August when meetings would be poorly attended and there is a general apathy toward public affairs. Your committee therefore decided on the basis of the information it had received to recommend only a change in the day of the week without a change in the time of year.

HIGHWAY COMMISSION MATTERS

Proposed Equipment Sales

Immediately after the establishment of the Committee by the 57th General Assembly, charges were made by the Chairman of the Iowa Highway Commission that attempts had been made by individuals to interfere with the operation of the bid processes of the Iowa Highway Commission and that certain individuals had made attempts to influence and induce bidders to "pad" bids. The Committee held a number of executive hearings and two public hearings on this matter. The entire Commission appeared before this committee, without use of subpoena. Employees of the Highway Commission were called to testify regarding different phases of Commission activities, methods of arriving at specifications and methods of arriving at award of contracts. Witnesses were called to testify concerning the facts as to whether or not Mr. Mel Graham, one of the Commissioners, was approached by anyone for the purpose of cancelling or delaying the equipment letting of April 16, 1957, and as to facts concerning the alleged incident where an attempt was made to induce bidders to "pad" their bids in return for a guarantee of the contract award.

The evidence is uncontroverted that Roland C. Reko requested Jake More to make an appointment for Reko and Virgil Smith to consult with Mel Graham. Virgil "Red" Smith and Reko made a trip to Audubon, Iowa, for the purpose of attempting to convince Commissioner Graham that the specifications of the Highway equipment about to be bid were favorable to a specific company, and that such bid letting should be postponed or cancelled. Commissioner Graham denied the request and at the next Commission meeting advised the members that he had been so approached.

The evidence is uncontroverted that A. J. Mogilner did appear before representatives of the Ford Motor Company, Gibbs-Cook Equipment Company, and Shafer Implement Company from Fairfield, Iowa, that he made on more than one occasion the statement that he was representing the Democratic Party and that he

- III. That no evidence has been received that Highway Commissioner Mel Graham nor any other members of the Highway Commission were parties to such conspiracy.
- IV. That no evidence has been received that representatives of the Ford Motor Company or of Gibbs-Cook Equipment Company or Shafer Implement Company were parties to nor did they participate in such conspiracy.
- V. That no evidence has been received that the specifications of the Highway Commission for the equipment letting of April 16, 1957, were not fair and reasonable.

REAL ESTATE PURCHASES

The Committee in connection with the investigation of equipment purchases, received information that Highway Commission personnel had been purchasing real estate for the State without proper appraisals being made. One instance involved the purchase of real estate for a maintenance garage in the northern part of the State.

In this case a purchase was made from the wife of a close associate of one of the Commissioners, who had owned the real estate only a matter of days, and the wife realized a profit of several thousand dollars. The purchase was made on the recommendation of the Commissioner without full disclosure to the other Commissioners.

It appeared to this Committee that there was a complete failure to fully investigate the facts by the Highway Commission. No appraisal by qualified personnel of the Commission or by independent appraisers was made until long after the purchase was closed. There was no evidence that the Commissioner involved received a direct profit, although he did obtain a loan from the associate for the purchase of an automobile and later, after leaving the Commission, entered into an arrangement with the associate to sell farm land adjoining a recently-constructed highway.

The Highway Commission has reported that all purchases of both right of way and property for non-highway use now have at least two (2) appraisals before any purchases of this type are made so they believe there cannot be a recurrence of this situation.

COMMERCE COMMISSION MATTERS

"Unity Club"

Early in 1958 this committee began an investigation of the election practices and campaign contributions involving employees and members of the Iowa Commerce Commission. The investigation revealed that as early as 1946 the employees of the Commerce Commission formed an organization known as the "Unity Club." This was apparently organized with the full knowledge and consent of the commissioners since the records show them to have received campaign contributions from the club as early as April, 1946.

In its inception the club apparently had as its purpose the collecting of funds for gifts and flowers for ill employees, those bereaved, or those retiring from the service. They also sponsored an annual office party. The Club also furnished funds to candidates for the office of Commerce Commissioner during election years, primarily to incumbent candidates.

However, early in 1957 the method of distribution of the funds changed. The by-laws were amended in January, 1957, to provide that 80% of all the funds collected were to be disbursed to the Commissioners. The books of the club show that between March, 1957, and January, 1958, \$1250.00 was distributed to the three commissioners by monthly payments in cash.

The testimony revealed that over the years the members of the club, all commission employees, had contributed from $\frac{1}{2}\%$ to $1\frac{1}{2}\%$ of their take-home salaries into the fund. The average rate and that at the time of the investigation was 1%. At the beginning of the investigation about 95% of the commission employees were making such contributions according to the testimony.

The members of the Commission and other key employees denied that any coercion was used or that anyone was required to contribute. New employees were told about the club after being hired, and the "benefits" of the club explained to them.

The solicitors said that they stressed to flower fund, severance gifts and other benefits, even though only a small portion went to these items. All the commissioners disclaimed active participation in talking to any employees about the club and stressed the statement that membership was strictly voluntary, but all admitted receiving the various contributions throughout 1957 and early 1958.

After hearing this testimony your committee turned the matter over to the Attorney General for such action as he saw fit. The matter was referred to the Polk County Attorney and in turn was presented to the Grand Jury in the fall of 1958. They reported as follows:

"The Grand Jury in its investigations of alleged irregularities in the Commerce Commission feels, after hearing the evidence we were able to secure, that action at this time is not warranted. We are concerned with unethical methods in regard to election practices and with unethical methods in regard to fund solicitations. We feel our laws should be amended to make such practices illegal at both State and local levels."

This committee is therefore recommending to the General Assembly the proposed anti kickback legislation submitted herewith. It is our feeling and hope that this will prevent future activity of this type.

Candidates of Similar Names

In the last several primary campaigns in the State of Iowa for the office of Commerce Commissioner similar names have appeared on the ballot. There have been at least five instances in which persons with the same last names have run for this office. This was called to the attention of the committee, and many of the candidates were asked to testify as to why and how they happened to run.

Many allegations were made against rival candidates and many felt their opponents had been paid to run or their name put on the ballot merely to confuse the voters. Much testimony was gathered, but all of the candidates denied any direct payment to run for this office. The committee did reach the conclusion that it was more than coincidence and there were many personal friendships, family relationships and assistance in printing literature, distributing nomination papers and the like which brought some candidates forth.

Such a systematic collusive conspiracy to influence our elective process by confusing and deceiving the voters in contrary to the intent and purpose of our election laws. No specific statute prevents such an effort and we are therefore recommending the enactment of the penal statute attached hereto.

Contributions from Related Businesses

Testimony was received from employees of the Commerce Commission that they were requested to gather contributions from truck operators and other related businesses which would fall within the jurisdiction of the Commission. One employee told of being requested to gather at least \$250.00 from truckers whom he contacted in connection with his official duties with the commission.

Many truck operators were called before this committee and questioned concerning their contributions to the candidates for Commerce Commissioner. They readily admitted the contribution, but all denied that any pressure or coercion was used. Most testified that the commission had been friendly and efficient toward the truck operators and they wanted to help in the reelection of those who were friendly.

Such a practice of a quasi judicial commission, which passes on the day to day activities of such businesses, accepting contributions leads to suspicion and question on the impartiality of their decisions. Remedial legislation is therefore being suggested.

MISCELLANEOUS SUGGESTIONS

During the various interviews and hearings conducted by the committee, a number of matters came up for consideration. Some of these have been reviewed in prior divisions of this report and others need further comment.

Tax Deduction for Contributions

Several officials of political parties and some candidates felt the problems of the collection of campaign funds would be greatly reduced if some deductions were permitted on the state income tax return for political contributions. All felt it should be in the range not to exceed \$50.00 or \$100.00 per year. The advocates believed it would lead to greater participation by the small contributor and show a recognition of such political activity.

Some few states have adopted such a procedure, but generally such a deduction is not a recognized contribution. The federal government does not allow such a deduction.

It was the unanimous feeling of the committee that if such a deduction were ever granted by the federal government, it should be seriously considered by the General Assembly, but pending federal action, no action be taken by the state at this time.

Jury Commission

The committee conducted some hearings and interviews to gather information on simplifying the duties of election clerks and judges. One of the tedious tasks pointed out was that of selecting jurors.

In those counties not having a city of 14,000 population or more the election officials must perform this task. The duty presently arises after these election officials have served all day on an election board, have counted and tabulated the votes, and then after 12 to 16 hours of continuous duty have the extra job of selecting jurors. They are neither

mentally or physically competent to perform the duty under such circumstances.

The County Auditor's Association has studied this matter extensively and has submitted a proposed bill to correct the present act. In substance it merely provides for an appointive jury commission which the larger counties now have. The cost under the proposal is believed to be about the same since the per diem would be substantially the same as the hourly rate of all the election officials.

The committee unanimously recommends the adoption of this corrective legislation.

Tabulation on Election Night

Information was received and an investigation conducted by the committee of the practices of county auditors on election night. Apparently in at least one county, the practice had developed over the years of tabulating the returns from the various precincts in the office of the local newspaper. The auditor's office was actually closed and locked, the auditor moved his staff to the newspaper office, and the various polling places reported to the auditor there. Other persons and agencies did not have free access to the results as tabulated.

There was no indication of fraud, but the committee believes the intent of Section 50.11, 1958 Code of Iowa, is to require the County Auditor to remain on duty "in his office." Such an amendment is proposed to avoid misunderstanding of the duties of the Auditor.

Preservation of Ballots

Section 50.12, 1958 Code, sets forth a detailed procedure for the return and preservation of the ballots. Among other safeguards is a requirement that the knot in the flexible wire on which the ballots are strung be sealed, so it cannot be untied. This is then placed in an envelope, sealed, and returned to the auditor or clerk.

Such a procedure requires that each polling place be equipped with sealing wax and some heating device for using the wax. It is costly, time consuming, and apparently needless in view of the double safeguard of the sealed envelope. Most officials believe this is a needless requirement, so the committee recommends that it be deleted from the statute.

Shortening the Ballot

The committee received complaints about the length of the ballot in Iowa. It is said many voters have no knowledge of either the qualifications or duties of the officers other than top executive officials and legislators.

This problem is one of governmental reorganization in general and in some instances would require constitutional amendments. The committee would, however, recommend that the General Assembly immediately consider the removal of the Commerce Commission from the election process of this state.

Vacancies in Office

In this same field it was proposed by a number of officials that the short-term office, that is from the date of the election until January 1 next, be eliminated from the ballot. They say such term is useless and the short-term office holder is no more than installed until the term expires.

However, Article XI, Section 6, Constitution of the State of Iowa, specifically provides for the election of persons to hold such office for the residue of the unexpired term. This must therefore be corrected by constitutional amendment rather than legislative amendment. This should be corrected when the general problem of governmental reorganization is brought up for constitutional amendment.

Election Contests

The Committee has had no opportunity to make a complete study of this problem. Following the general election in 1958, a number of contests at all levels were filed and many technical questions arose. Your Committee held no hearings following the general election, but has asked its counsel to gather such facts as may become available.

One of the main problems seems to be the question of the bond to be filed in non-legislative contests. The amount and responsibility for approval are not specified by statute so the contestant does not know exactly what to do. Likewise the incumbent is in doubt as to his responsibility in the event the contestant should be successful.

The Committee believes the minimum amount of the bond should be specified by statute and from checking the statutes of other states, it would appear that \$25.00 per precinct contested would be realistic. This would tell the contestant exactly what the minimum requirement would be and still permit the contest court to raise the amount if the costs appeared to be running higher.

Also if the contestant proved successful and there was no fraud on the part of the incumbent, neither party should be required to pay, but the costs should become the obligation of the state.

Your Committee has agreed to meet informally during the session of the 58th General Assembly and make such further recommendations as may appear necessary in the light of the contests considered.

Contributions from Liquor Industry

Your Committee, from its inception, received miscellaneous complaints from various sources indicating that the liquor industry had made contributions to Iowa political campaigns. The investigation indicated that some such contributions had been solicited and received, but since all distilleries are outside Iowa, the exact extent could

not be determined.

Section 123.14, Code 1958, from the passage of the Iowa Liquor Control Act has prohibited political activity by employees and members of the Iowa Liquor Control Commission. The Committee believes this section should be amended to prohibit distilleries or any representative thereof from making any contribution of any type to Iowa political parties or campaigns. If a conviction should result from such a violation, that person or company should be prohibited from ever again doing business with the Liquor Commission.

Nomination Papers

Your Committee received several complaints before the primary elections of 1958 concerning nomination papers. Several wrote in saying that they had received "thank-you" letters from candidates they did not endorse, and whose nomination papers they did not sign.

The investigation indicated that the majority of these signatures were made by other members of the same family or by close friends who believed it would be proper to do so. Some of it resulted by last-minute candidates or those who found out a few days before the deadline that they had insufficient signatures.

Such procedure can be corrected by adding two short amendments to the applicable Code sections and providing a penalty for a violation of these requirements.

It was also believed that the percentage of voters required for nomination papers for county officers should be made one percent instead of two. It was felt this would be more realistic and bring more qualified candidates into the field.

SUMMARY AND CONCLUSIONS

The Committee has attempted in these recommendations to suggest changes which are necessary to preserve the integrity and honesty of our election process. The approach which has been used attempts to modernize our statutes without changing the entire procedure or responsibility.

The industrialization and commercial development of our state requires constant changes in our statutes in this field as well as many others. The voter must also be protected from the encroachment of big government in any attempt to deprive him of his voice in the selection of the officials to represent him.

We should like to thank the many persons who submitted valuable suggestions and comments to the Committee for its consideration. Without exception, those who gave us material were vitally interested in seeing that no one was disenfranchised and that the integrity of our election process was preserved.

From this study there is every reason to believe that public opinion will continue to demand that campaigns and elections be conducted in an honest and fair manner. Laws against abuses at elections are necessary, and laws providing for full publicity of campaign methods are needed to give the voter information on how and with what funds the campaign is being conducted.

But the chief hope for higher standards in both campaigns and elections is based on public opinion that will see that strict enforcement becomes a reality, if not through laws, through the power of the voter to defeat any party or candidate who does not live up to the highest standards.

A BILL FOR

An Act relating to full disclosure of election campaign expenditures and the sources of major campaign contributions.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. Each candidate for nomination for, or election to, a political office of the United States congress, of the state, of any county or of any municipality, as a condition precedent to qualifying as such candidate, shall appoint on the date of public announcement of his candidacy or upon the date he qualifies as a candidate, whichever is sooner, one campaign treasurer and shall designate **at** least one campaign depository and shall file the name and address of each with the officer before whom such candidate is required by law to qualify. The candidate may designate himself or any other elector to act as such campaign treasurer and shall designate as his campaign depository or depositories any bank authorized by law to transact business in the state.

Section 2. Any campaign treasurer for any candidate may appoint as many deputy treasurers as deemed necessary and may also designate the campaign depositories provided that each candidate shall not have more than one depository in each county in which a campaign is conducted. The campaign treasurer herein provided for shall be responsible for the accounts of all such deputy campaign treasurers, and the names and addresses of each deputy campaign treasurer and additional campaign depositories shall be filed with the officer before whom such candidate is required by law to qualify.

Any candidate may remove a campaign treasurer or deputy campaign treasurer so appointed.

In case of the death, resignation, or removal of a campaign treasurer, the candidate shall within five days thereafter appoint a successor and certify the appointment in the manner provided in the case of an original appointment.

All campaign expenditures of every candidate, regardless of the amount he expends or that is expended directly or indirectly on his behalf, shall be reported as required by this act.

Section 3. No contribution or expenditure of money or other thing of value, nor obligation therefor, including contributions, expenditures, or obligations of the candidate himself or of any person, group, organization or committee, shall be made, received, or incurred, directly or indirectly, in furtherance of the candidacy of any candidate for the United States Congress or political office in the state, in any county, or in any municipality, except through the duly appointed campaign treasurer or deputy campaign treasurers of the candidate.

Section 4. No person or organization shall give, furnish or contribute moneys, material, supplies or make loans in support of any candidate for election or nomination, through or in the name of another person, group, organization or committee directly or indirectly, in any primary general, municipal or special election.

Section 5. All funds received in the furtherance of the candidacy of any candidate shall, within seven days after receipt thereof (Sundays and holidays excepted), be deposited by the campaign treasurer or deputy campaign treasurers in a campaign depository of such candidate in an account designated "campaign fund of(name of candidate)."

Accompanying all deposits so made by the campaign treasurer or deputy campaign treasurers shall be a detailed statement showing the names and addresses of those persons or organizations contributing or providing funds so deposited, which are in the aggregate or total amount of ten dollars or more, together with a statement of the amount received from, or provided by, each person or organization. Such statement shall be cumulative in their content, shall be prepared in triplicate upon a form prescribed by the secretary of state, one copy to be retained by the campaign depository for its

records, one copy to be filed by the depository as provided in section 9 of this act, and one copy to be retained by the campaign treasurer for his records, which statements shall be certified as correct by the campaign treasurer.

Section 6. Each candidate shall report to his campaign treasurer all expenditures made by such candidate during the preceding thirty days and each campaign treasurer shall make a full and complete itemized report of all moneys or other things of value contributed to him and to all deputy campaign treasurers of such candidate; the report shall contain the names and post office addresses of each of the contributors, as specified in section 5 above, and a complete detailed and itemized statement of all expenditures authorized, incurred, or made by him, and by all deputy campaign treasurers, to the date of such report, and all expenditures by the candidate made prior to the Friday next preceding the filing of such report. These reports shall be made at the following intervals by the campaign treasurers of the candidates between the date of the appointment of the campaign treasurer and the date of the election or elimination of the candidate:

(1) Starting on the fifth Friday preceding the date of the primary election and on Friday of each week preceding each election, and

(2) Not later than thirty days after the primary election for each candidate, and not later than thirty days after the general election for each candidate participating therein.

The first such report required to be filed under this section shall contain the total and itemized expenditures and contributions for or on behalf of the candidate from the date of public announcement of his candidacy or upon the date he qualifies as a candidate, whichever is sooner.

Section 7. The campaign treasurer shall certify by affidavit as to the correctness of each report and the candidate shall also bear the responsibility for the accuracy and veracity of each report. The affidavit shall include a statement to the effect that as of the date each report is submitted no more expenditures or obligations have been incurred than those contained in the report.

Such reports and affidavits of each campaign treasurer shall be filed with the county officer with whom the candidate is required by law to qualify not later than noon of the day designated above; however, such reports and affidavits of candidates running for any state-wide office, United States senator or congressman shall be required to be filed only with the state officer with whom such candidate is required by law to qualify. All such reports shall be open to public inspection upon filing.

Section 8. No candidate seeking the nomination for or election to the United States Senate, United States House of Representatives, any state office, except for members of the General Assembly, district office, county office, or any municipal office shall cause to be incurred by himself and those working on his behalf, through his campaign treasurer, expenditures, including financial obligations, which exceed an amount of two times the annual salary of the office sought by the candidate for the primary and again up to this limit for the general, special or municipal election. No candidate seeking the nomination for or election to the General Assembly of their state shall cause to be incurred by himself and those working on his behalf, through his campaign treasurer, expenditures including financial obligations, which exceeds the lesser of either of the following amounts; an amount equal to 10 cents per vote for the total number of votes cast for that office at the last preceding presidential election, or an amount equal

to four times the compensation received for that office at the preceding regular session of the General Assembly. Said lesser amount can be expended for the primary or special election and again up to their limit for the general election. However, in no case shall the total expenditures and obligations exceed fifty thousand dollars for the primary and general election combined.

Section 9. Within thirty days after each election in which a candidate participates, the designated campaign depository or depositories of each such candidate shall file either the original or a true copy of all the deposit slips filed with the said depository by the campaign treasurer or deputy campaign treasurer. Such statement by such depository shall be filed with the officer before whom the candidate whose account the depository carries is required to qualify.

Section 10. Appropriate forms necessary to effectuate all of the purposes of this act, including but not limited to, the campaign treasurer's reports, the statements by the campaign depository and the deposit slips, shall be prescribed and approved by the secretary of state.

Section 11. The officers with whom statements of campaign contributions and expenses are filed shall securely keep the statements for at least four years, and a copy of the statements duly certified to by the officers with whom filed is admissible as evidence in any court of the state.

Section 12. Any candidate covered by this act who incurs expenditures or obligations which total less than two hundred fifty dollars for the primary, general, special or municipal election campaign is not required to appoint a campaign treasurer or depository. Such candidate, however, who does not appoint a campaign treasurer or depository, shall comply with all other provisions of this act acting as his own campaign treasurer and depository.

The death of a candidate for nomination, election, or following the election shall in no way excuse the campaign treasurer from filing as hereinbefore provided.

Section 13. Section fifty-six point one (56.1), fifty-six point two (56.2), fifty-six point three (56.3), fifty-six point seven (56.7), and fifty-six point eight (56.8), Code 1958, are hereby repealed.

Section 14. Section fifty-six point four (56.4), Code 1958, is hereby amended by inserting in line four (4) of such section following the word, "after" the words, "each primary, special and."

Section 15. Section fifty-six point nine (56.9), Code 1958, is hereby repealed and the following enacted in lieu thereof:

"The willful violation by any person of any provisions of this act, or order issued in pursuance thereof, shall constitute a misdemeanor, and, in addition, shall render any candidate found guilty of a willful violation ineligible for the office sought.

Section 16. It shall be the duty of the officer with whom the candidate is required to file to report any violation of this chapter to the county attorney and any failure of said officer to so report a violation will constitute a misdemeanor.

A BILL FOR

An Act prohibiting participation in Iowa Elections by non-residents of this state.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section seven hundred forty point fourteen, Code 1958, is hereby repealed and the following enacted in lieu thereof:

It shall be unlawful for any person or organization to use any money, labor, services, or any other thing of value furnished by a non-resident person, firm, corporation, or organization for the purpose of conducting a campaign for political office or offices. It shall further be unlawful for any non-resident person, firm, corporation or organization to give, donate or pledge any money, labor, services, or other thing of value for the purpose of conducting a campaign for political office or offices within this state. The provisions of this section shall not apply to those non-resident persons, firms, corporations or organizations employed by or associated with the duly recognized political parties who are registered as hereinafter provided.

Any non-resident person, firm, corporation or organization employed by or associated with a duly recognized political party shall within five days prior to or subsequent to furnishing any money, labor, services, or other thing of value for the purpose of conducting a campaign for political office or offices within the state of Iowa file a true, detailed and sworn statement of registration with the Secretary of State of this state. Such statement shall contain the full name and address of said non-resident, the employer or associate within the state of Iowa, the money, labor, services, or other thing of value to be furnished, and the payment, if any, to be made therefor.

A BILL FOR

An Act relating to voting machine procedure and to amend various sections of the Code relating thereto.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section fifty-two point nine (52.9), Code 1958, is hereby amended by adding thereto the following:

"It shall be the duty of the county auditor or the city clerk or their duly authorized deputies prior to the delivery of the voting machines to the various polling places to examine and test said machines in the presence of the county chairman of each political party or his duly designated representative and after said examination, file a certificate which shall read substantially as follows:

THE UNDERSIGNED HEREBY CERTIFY that, having duly qualified, we were present and witnessed the testing and preparation of the following Voting Machines; that we believe the same to be in proper condition for use in the election of

_____ 19 ____

that each Registering Counter of the Machine is set at 000; that the Public Counter is set at 000; that the Seal numbers and the Protective Counter numbers are as indicated below.

Signed,

_____ Republican.

_____ Democrat.

Voting Machine Custodian.

Dated _____ 19 ____

Machine Number	Seal Number	Protective Counter Number
_____	_____	_____
_____	_____	_____
_____	_____	_____

On those voting machines presently equipped with an after-election latch and on all machines placed in use after January 1, 1961, in this state, the after-election latch shall be fully used by the election officials."

Sec. 2. Section fifty-two point eighteen (52.18), Code 1958, is hereby amended by striking from lines twelve (12) and thirteen (13) thereof the words, "one minute" and inserting in lieu thereof the words, "five minutes".

Sec. 3. Section fifty-two point twenty-two (52.22), Code 1958, is hereby amended by striking from line five (5) thereof the words, "for the period of thirty days." and inserting in lieu thereof the words, "until thirty days after the proclamation of the results of said election."

Sec. 4. Section forty-nine point twelve (49.12), Code 1958, is hereby amended by adding at the end of said section the following; "In any precinct using voting machines in which more than three such machines are used, the board of supervisors are authorized to name one additional judge for said precinct for each such additional machine, maintaining the bipartisan political balance hereinbefore referred to."

Sec. 5. Section fifty-two point twenty-one (52.21) is hereby amended by adding after the end of line seven (7) thereof the following words; "Said judges shall use a voting machine return and tally sheet in substantially the following form:

VOTING MACHINE RETURN AND TALLY SHEET

Election _____ 196_, County of _____

	President and Vice President	United States Senator	United States Representative	Governor	Lt. Governor	Etc.
Republican Party	1A (name of candidate)	2A	3A	4A	5A	6A
Machine No.						
Machine No.						
Machine No.						
Machine No.						
Machine No.						
Return Sheet Tot.						
Democratic Party	1B (name of candidate)	2B	3B	4B	5B	6B
Machine No.						
Machine No.						
Machine No.						
Machine No.						
Machine No.						
Return Sheet Tot.						
Independants	1C (name of candidate)	2C	3C	4C	5C	6B
Machine No.						
Machine No.						
Machine No.						
Machine No.						
Machine No.						
ETC.						
Public Measures	1F For	2F Against	3F	4F	5F	6F
Machine No.						
Machine No.						
Machine No.						
Machine No.						
Machine No.						
Return Sheet Tot.						

The reverse side of said return shall carry a certificate in substantially the following form:

CERTIFICATE OF ELECTION OFFICIALS AND CANVASS

STATE OF IOWA)
) ss.
COUNTY OF _____)

We, the undersigned Judges and Clerks of Election for _____, Precinct No. _____ of the County of _____ and State of Iowa, do hereby certify that _____ voting machine __ (was or were) used in the above mentioned precinct at the _____ Election held on the _____ day of _____, 19__.

1. That before opening of the polls we compared the ballot labels on (the or each) machine with the sample ballots furnished, and found the names, numbers and letters thereon agreed.

2. That we compared the number on the seal which sealed the curtain lever and the number on the protective counter and we found the same as follows:

MACHINE	CURTAIN LEVER SEAL	PROTECTIVE COUNTER
No. _____	No. _____	No. _____
No. _____	No. _____	No. _____
No. _____	No. _____	No. _____
No. _____	No. _____	No. _____
No. _____	No. _____	No. _____

3. That the public counter was set at 000 and that we opened the rear of (the or each) machine and examined every registering counter and that each registered 000.

4. That the following statement shows the number of the seal with which the curtain lever was sealed, the number on the Public Counter and the number on the protective counter after the poll was closed and the vote thereon canvassed and the machine locked:

MACHINE	CURTAIN LEVER SEAL	PROTECTIVE COUNTER	PUBLIC COUNTER
No. _____	No. _____	No. _____	No. _____
No. _____	No. _____	No. _____	No. _____
No. _____	No. _____	No. _____	No. _____
No. _____	No. _____	No. _____	No. _____
No. _____	No. _____	No. _____	No. _____

5. That we are Judges and Clerks of the _____ Election in and for _____, Precinct No. _____ in the County of _____ and State of Iowa, on the _____ day of _____, 19____, and that we have canvassed all the votes registered on the voting machines for each candidate, and all irregular ballots written on the paper roll of each machine used in said precinct, and do hereby severally certify that the canvass thereof was duly and legally made, and the result of said canvass is correctly set forth in the within return-sheet statement, and that the said statement is true in all respects.

Dated this _____ day of _____, 19____.

JUDGES AND CLERKS OF ELECTION

Sec. 6. Section fifty-two point twenty-three is hereby amended by striking all of said section following the word, "sign" in line four (4) thereof and inserting in lieu thereof the following: "the canvass forms referred to in section 52.21, which canvass shall serve as a written statement of election. Said canvass statement shall be in lieu of the return required in section 50.16, where permanent registration is in effect, except that the registration books shall be preserved and returned with said certificate of election officials and canvass.

Sec. 7. Chapter fifty-two (52), Code 1958, is hereby amended by adding the following: "Constitutional amendments and public measures including bond issues may be voted on the voting machines in the following manner. The entire amendment or public measure shall be printed and displayed prominently in at least two places within the voting precinct and on the left hand side inside the curtain of each voting machine, said printing to be in conformity with the provisions of Chapter forty-nine (49). The amendment or public measure shall be summarized by the auditor or city clerk and in the largest type possible printed on the inserts used in said voting machines.

Any portion of section forty-nine point forty-three, (49.43), forty-nine point forty-four (49.44), forty-nine point forty-five (49.45), forty-nine point forty-six, (49.46), forty-nine point forty-seven (49.47), or forty-nine point forty-eight (49.48) in conflict herewith is hereby declared inapplicable to those counties which have adopted voting machines and follow the procedure of this section."

A BILL FOR

An Act relating to absentee ballot procedure and to amend various sections of the Code relating thereto.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 53.9 is hereby repealed and the following enacted in lieu thereof:

The auditor or clerk shall not later than thirty days before the date of the election make written request of the County Chairman of each political party to furnish said officer with a list of members of that party to serve as absentee ballot witnesses. Said list shall be furnished by said County Chairman within five days thereafter and shall contain the name, address, and telephone number of said witness. Said list shall contain at least two names for each fifty absentee ballots cast by voters within the county and voted outside the office of said auditor or clerk at the last presidential general election, at least one-half of whom shall be notaries public. The auditor or clerk shall designate one person from each list as an absentee ballot commissioner. Said absentee ballot witness and commissioner shall be paid actual mileage and per diem at the same rate as jurors are paid within this state. For purposes of this chapter, said absentee ballot witness and commissioner shall be election officers.

Sec. 2. Section 53.10 is hereby repealed and the following enacted in lieu thereof:

Upon receipt of such application indicating that because of illness or physical disability the voter cannot be present at the polls on election day, and that he is present within the county, the county auditor or clerk shall deliver to said absentee ballot commissioners the application together with such official ballot or ballots as such applicant would have the right to cast at such election. Said commissioners shall

immediately assign one person from each list, one of whom shall be a notary public, to deliver and act as witnesses on said ballot. If such application indicates the voter is absent from the county and requests said application by letter, it shall be the duty of the auditor or clerk to mail to said applicant, postage prepaid, such official ballot or ballots as such applicant would have the right to cast at such election. All other persons desiring to vote by absentee ballot shall apply personally at the office of such auditor or clerk.

Sec. 3. Section 53.13, Code 1958, is hereby amended by striking from line thirty-seven (37) the words, "me" and "my" and inserting in lieu thereof the words, "us" and "our," further by striking from line thirty-nine (39) the word, "I" and inserting in lieu thereof the word, "we," further by striking from line forty-two (42) the word, "me" and inserting in lieu thereof the word, "us," further by adding to said section the following language: "It shall be the duty of said absentee ballot witness to personally examine said voter to determine that he is a qualified voter under the Constitution and statutes of the state of Iowa. If for any reason either or both witnesses believe said voter is not a qualified voter, they shall attach to said envelope a statement of their findings and the reasons therefore which shall remain permanently attached to said absentee ballot envelope."

Sec. 4. In Section 53.15, Code of 1958, is hereby amended by inserting after the word, "oath" in line three (3) the words, "and the witness," and further by inserting in line five (5) after the word, "officer" the words, "and witness."

Sec. 5. Section 53.16, Code of 1958, is hereby amended by adding in line three (3) following the word, "officer" the words, "and witness," and is further amended by inserting in line five (5) after the word, "officer" the words, "and witness."

Sec. 6. Section 53.17, Code of 1958, is hereby amended by adding in line four (4) following the word "voter" the words, "or by the witnesses."

A BILL FOR

An Act changing the primary election day from Monday until Tuesday.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section forty-three point seven, (43.7), 1958 Code of Iowa, is hereby amended by inserting in line three (3) following the word, "on" the words, "the first Tuesday following".

A BILL FOR

An Act to create an appointive jury commission for all counties in place of selection of jury lists by the judges of election.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section six hundred eight point two (608.2) is amended by striking from lines two (2) to four (4), inclusive, the words, "having situated therein a city with a population fourteen thousand or more,"

Sec. 2. Section six hundred eight point nine (608.9) is hereby repealed.

Sec. 3. Section six hundred nine point seven (609.7) is hereby repealed.

Sec. 4. Section six hundred nine point eight (609.8) is hereby repealed.

Sec. 5. Section six hundred nine point nine (609.9) is hereby repealed.

Sec. 6. Section six hundred nine point ten (609.10) is hereby repealed.

Sec. 7. Section six hundred nine point eleven (609.11) is amended by striking from lines three (3) to five (5), inclusive, the words "or by the judges of election for each precinct, as the case may be," and by striking from lines ten (10) to fourteen (14), inclusive, "or We,.....,, and, the judges of election for the, precinct ofcounty,," and by striking from lines thirty-seven (37) and thirty-eight (38), inclusive, the words "(In counties not having an appointive jury system.," and by striking from lines forty-five (45) to fifty (50), inclusive, the words "Or..... Judges of election for.....precinct,..... county, Iowa."

Sec. 8. Section six hundred nine point thirteen (609.13) is hereby repealed.

A BILL FOR

An Act to correct certain defects in nomination papers for public office and provide punishment therefore.

Be It Enacted by the General Assembly of the State of Iowa.

Section 1. Section Forty-three point fifteen (43.15), Code 1958, is hereby amended by adding thereto the following:

"6. No person shall sign any name other than his own to such nomination papers and any such violation shall be punishable as hereinafter provided."

Section 2. Section Forty-three point seventeen (43.17), Code 1958 is hereby amended by adding after the word "same" in line seven (7), the words

"that he personally saw each person affix his signature thereto;"

Section 3. Section Forty-three point twenty (43.20), Code 1958, is hereby amended by striking from line two (2) of subparagraph three (3) thereof the word "two" and insert in lieu thereof the word "one".

Section 4. Chapter Forty-three (43), Code 1958, is hereby amended by adding the following section;

"Any person violating or attempting to violate any provision of this chapter for which no punishment has been otherwise provided shall be guilty of a misdemeanor and punished as provided in section 49.119."

A BILL FOR

An Act to correct certain miscellaneous defects in the election laws of this state and modernize election procedure.

Be It Enacted by the General Assembly of the State of Iowa.

Section 1. Section Fifty point eleven (50.11), Code 1958, is hereby amended by inserting in line fourteen (14) of such section following the word "duty" the words "in his office."

Section 2. Section Fifty point twelve (50.12), Code 1958, is hereby amended by striking from lines nine (9) and ten (10) of such section the following words; "seal the knot in such a manner that it cannot be untied without breaking the seal".

A BILL FOR

An Act to prohibit certain practices in connection with political campaigns in Iowa.

Be It Enacted by the General Assembly of the State of Iowa.

Section 1. Chapter One hundred twenty-three (123), Code 1958, is hereby amended by adding the following section thereto;

"No distillery nor distributor therefore, nor any representative thereof shall contribute in any manner any money or thing of value directly or indirectly to any political candidate, political party, political organization or public official in this state. Conviction of any such violation shall be punishable by a fine of not to exceed \$1,000.00 or 30 days in jail. Such a conviction shall forever bar said distillery from doing business in any manner or selling any product to the Iowa Liquor Control Commission."

Section 2. Chapter Seven hundred thirty-eight (738), Code 1958, is hereby amended by adding the following Section thereto;

"Whoever shall pay or reward or promise to pay or reward another person in any manner or form for the purpose of inducing him to be or to refrain from, or cease being a candidate for public office within this state shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed \$100.00 or imprisonment in the county jail not to exceed 30 days or be punished by both such fine and imprisonment."

Section 3. Section Seven hundred thirty-nine point four (739.4), Code 1958, is hereby amended by adding in line eight, following the word, "stated," the following:

"any business relationship, any license, any certificate to do business on any contract or any type whatsoever,".

Section 4. Chapter Seven hundred forty (740), Code 1958, is hereby amended by adding the following section thereto:

"No person holding public office by election or appointment within this state shall in any manner solicit, accept, or demand from other employees of this state of Iowa any money or other thing of value. Any person violating this section shall be imprisoned in the county jail not more than 1 year or be fined not exceeding \$1,000.00."

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